

BEFORE THE TENNESSEE STATE BOARD OF EQUALIZATION

IN RE: Helen M. Simerly)
Dist. 9, Map 35C, Group C, Control Map 35C,) Carter County
Parcel 2.00, S.I. 000)
Residential Property)
Tax Year 2006)

INITIAL DECISION AND ORDER

Statement of the Case

The subject property is presently valued as follows:

<u>LAND VALUE</u>	<u>IMPROVEMENT VALUE</u>	<u>TOTAL VALUE</u>	<u>ASSESSMENT</u>
\$13,700	\$63,000	\$76,700	\$19,175

An appeal has been filed on behalf of the property owner with the State Board of Equalization. The undersigned administrative judge conducted a hearing in this matter on April 10, 2007 in Elizabethton, Tennessee. In attendance at the hearing were Helen M. Simerly, the appellant, Gerald Holly, Carter County Property Assessor, and staff member Ronnie Taylor.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Subject property consists of a single family residence constructed in 1956 located at 144 Ford Lane in Elizabethton, Tennessee. The taxpayer purchased subject property on November 16, 2005 for \$77,000.

The taxpayer contended that subject property should be valued at \$60,000 - \$65,000. In support of this position, Ms. Simerly testified that she purchased subject property in conjunction with the settlement of her mother's estate. Ms. Simerly stated that she wanted to share part of her inheritance with the rest of her family. Ms. Simerly maintained that her purchase price was in excess of market value given the physical condition of subject property. Ms. Simerly introduced both photographs and repair estimates to substantiate the physical condition of subject property.

Although the assessor of property did not offer an opinion of value, the testimony of both Mr. Holly and Mr. Taylor corroborated Ms. Simerly's position. Mr. Holly stated that the outside of subject home clearly requires significant work. Mr. Taylor indicated that he believed a further reduction in value was warranted based upon the condition of the residence.

The basis of valuation as stated in Tennessee Code Annotated Section 67-5-601(a) is that "[t]he value of all property shall be ascertained from the evidence of its sound, intrinsic

and immediate value, for purposes of sale between a willing seller and a willing buyer without consideration of speculative values . . ."

The administrative judge finds that all the testimony supports Ms. Simerly's position. The administrative judge finds that subject property is currently appraised assuming an effective age of 1971. Given the condition of subject property, the administrative judge finds that the depreciation on the property record card should be based upon the actual age of 1956. The administrative judge finds that the additional 15% depreciation results in a value of \$62,300 after rounding.

ORDER

It is therefore ORDERED that the following value and assessment be adopted for tax year 2006:

<u>LAND VALUE</u>	<u>IMPROVEMENT VALUE</u>	<u>TOTAL VALUE</u>	<u>ASSESSMENT</u>
\$13,700	\$48,600	\$62,300	\$15,575

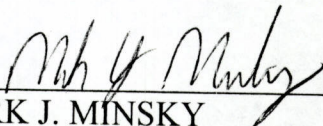
It is FURTHER ORDERED that any applicable hearing costs be assessed pursuant to Tenn. Code Ann. § 67-5-1501(d) and State Board of Equalization Rule 0600-1-.17.

Pursuant to the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301—325, Tenn. Code Ann. § 67-5-1501, and the Rules of Contested Case Procedure of the State Board of Equalization, the parties are advised of the following remedies:

1. A party may appeal this decision and order to the Assessment Appeals Commission pursuant to Tenn. Code Ann. § 67-5-1501 and Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization. Tennessee Code Annotated § 67-5-1501(c) provides that an appeal **"must be filed within thirty (30) days from the date the initial decision is sent."** Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization provides that the appeal be filed with the Executive Secretary of the State Board and that the appeal **"identify the allegedly erroneous finding(s) of fact and/or conclusion(s) of law in the initial order"**; or
2. A party may petition for reconsideration of this decision and order pursuant to Tenn. Code Ann. § 4-5-317 within fifteen (15) days of the entry of the order. The petition for reconsideration must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review; or
3. A party may petition for a stay of effectiveness of this decision and order pursuant to Tenn. Code Ann. § 4-5-316 within seven (7) days of the entry of the order.

This order does not become final until an official certificate is issued by the Assessment Appeals Commission. Official certificates are normally issued seventy-five (75) days after the entry of the initial decision and order if no party has appealed.

ENTERED this 20th day of April, 2007.



MARK J. MINSKY
ADMINISTRATIVE JUDGE
TENNESSEE DEPARTMENT OF STATE
ADMINISTRATIVE PROCEDURES DIVISION

c: Ms. Helen M. Simerly
Gerald Holly, Assessor of Property